ment by purchase or eminent domain without the consent of the state legislature the state jurisdiction remains "complete and perfect," subject to the limitation that it cannot be exercised antagonistically to federal governmental interests. *People* v. *Godfrey*, 17 Johns. (N. Y.) 225. The same is true of land belonging to the federal government at the date of admission of the state in which the land lies and over which Congress has not reserved exclusive jurisdiction. *United States* v. *Stahl*, 1 Woolw. (U. S. Cir. Ct.) 192. See also 14 OPINIONS, ATTORNEYS GENERAL, 33. The instant case falls within this last rule.

CONSTITUTIONAL LAW — CONTROVERSIES BETWEEN TWO OR MORE STATES — POWER TO MANDAMUS STATE LEGISLATURE. — Argument of the rule to show cause why, in the default of payment of the judgment against West Virginia in favor of Virginia, an order should not be entered directing the levy of a tax by the legislature of West Virginia, and the motion by that state to dismiss the rule. *Held*, the case should be restored to the docket for further argument, such argument to embrace (1) the right to award the madamus prayed for; (2) if not, the power and duty to direct the levy of a tax; (3) if means for doing so be found to exist, the right, if necessary, to apply such other and appropriate remedy by dealing with the funds or taxable property of West Virginia or the rights of that state as may secure an execution of the judgment. *Commonwealth of Virginia* v. *State of West Virginia*, 38 Sup. Ct. 400.

For a discussion of this case, see Notes, page 1158.

CONSTITUTIONAL LAW — DUE PROCESS — MINIMUM WAGE FOR WOMEN AND MINORS. — The legislative of Minnesota in 1913 passed an act establishing a minimum-wage commission and prohibiting every employer from employing any woman or minor at less than the living wage as determined by order of the commission. Plaintiffs sought to restrain the enforcement of orders of the commission on the ground that the statute was unconstitutional. *Held*, that the act is constitutional. *Williams* v. *Evans*, 165 N. W. 495 (Minn.).

For a discussion of this case and other cases involving recent labor legislation, see Notes, page 1013.

CONSTITUTIONAL LAW — POWERS OF LEGISLATURE — DELEGATION OF LEGISLATIVE POWER TO BOARD OF HEALTH. — A Massachusetts statute empowered the State board of health to "make rules and regulations to prevent the pollution . . . of all such waters as are used as sources of water supply." (MASS. R. L., c. 75, § 113, as amended by St. 1907, c. 467, § 1.) In pursuance of this authority the board passed a regulation forbidding anyone to fish in a certain lake without a permit. *Held*, that this does not constitute an unconstitutional delegation of legislative power. *Commonwealth* v. *Hyde*, 118 N. E. 643 (Mass.).

The general proposition that legislative power cannot be delegated is a familiar maxim in American jurisprudence. *Wayman* v. *Southard*, 10 Wheat. (U. S.) 1. See 19 HARV. L. REV. 203. The basis for the doctrine rests primarily in the express grant in federal and state constitutions of the legislative power to a designated branch of the government. *Prentis* v. *Atlantic Coast Line Co.*, 211 U. S. 210; *Winchester, etc. R. Co.* v. *Commonwealth*, 106 Va. 264, 55 S. E. 692. See *Dreyer* v. *Illinois*, 187 U. S. 71, 83. In the nature of things, however, no precise demarcation is possible between legislative enactment and mere administrative regulation. See *Chicago, etc. Ry. Co.* v. *Dey*, 35 Fed. 866, 874. The result is a great confusion among the cases as to what powers may be granted to administrative boards. *Cf. United States* v. *Louisville, etc. R. Co.*, 176 Fed. 942; *Pierce* v. *Doolittle*, 130 Ia. 333, 106 N. W. 751; *State* v. *Carlisle*, 235 Mo. 252, 138 S. W. 513; *State* v. *Southern R. Co.*,

141 N. C. 846, 54 S. E. 294. A well-established exception to the general rule, based mainly on historical grounds, exists in the case of delegation of legislative power to municipal corporations. *Commonwealth* v. *Bennett*, 108 Mass. 27; *Noonan* v. *City of Hudson*, 52 N. J. L. 398, 20 Atl. 255; *Gloversville* v. *Howell*, 70 N. Y. 287. And this exception has been extended by analogy to local boards of health. See *Brodbine* v. *Revere*, 182 Mass. 598, 601, 66 N. E. 607, 608. But powers quite as broad and similarly legislative in character have been granted to state boards of health. *Blue* v. *Beach*, 155 Ind. 121, 56 N. E. 89. The reason then advanced for the large delegation of power is the necessity of leaving to such bodies a wide discretion in the adoption of measures for the preservation of the public health. See *Brodbine* v. *Revere*, *supra*. Then, by analogy with the broad powers given to boards of health, powers which once would have been denominated clearly legislative in character have been delegated to administrative tribunals of all sorts. See *Commonwealth* v. *Sisson*, 189 Mass. 247, 252, 79 N. E. 619, 621. *Cf. Munn* v. *Illinois*, 94 U. S. 113, 133; *Railroad Commission* v. *Central R. Co.*, 170 Fed. 225. The explanation of this development is found primarily in the growing realization that administrative boards are better fitted to deal with these problems, both legislatively and administratively, than are legislatures. The original prohibition against the delegation of legislative power has thus been whittled down until today, in many jurisdictions, so long as the legislative body prescribes the general policy and the purpose to be attained, the means of effectuating this policy may be left entirely to an administrative commission. See *Blue* v. *Beach*, 155 Ind. 121, 132, 56 N. E. 89, 93.

ILLEGAL CONTRACTS — CONTRACTS AGAINST PUBLIC POLICY — CONTRACT NOT TO SUE BUT TO SUBMIT TO TRIBUNAL OF BENEFIT SOCIETY. — The constitution of a mutual benefit association provided that certain claims for disability "shall be addressed to the systematic benevolence of the brotherhood, and shall in no case be made the basis of any legal liability." The plaintiff was disabled, and having been refused payment on his certificate by the beneficiary board of the brotherhood, sued to enforce his claim. *Held*, that he could recover. *Miller* v. *Brotherhood of Local Trainmen*, 118 N. E. 713 (Ill.).

This sort of provision has given rise to two lines of decisions. Cases in accord with the principal case have held the provision void on the ground that the parties should not be allowed, by contract, to preclude themselves from invoking the aid of the court. *Pepin* v. *Societe St. Jean Baptiste*, 23 R. I. 81, 49 Atl. 387; *Austin* v. *Searing*, 16 N. Y. 112; *Wood* v. *Humphreys*, 114 Mass. 185. On the other hand, the provision has been held valid because it was voluntarily agreed to by the insured who by this agreement waived nothing he did not have the right and power to waive. *Osceola Tribe* v. *Schmidt*, 57 Md. 98; *Van Poucke* v. *Netherland, etc. Society*, 63 Mich. 378, 29 N. W. 863. The reasonable rule would seem to be that the association may provide methods for determining the facts speedily and definitely, and compel its members to resort to a prescribed mode of procedure before invoking the aid of the courts, but that it cannot entirely prohibit suit so that recovery by the insured will depend upon the caprice of the association.

INNKEEPERS — DUTIES TO TRAVELERS AND GUESTS — LIABILITY TO BOARDER FOR GOODS STOLEN. — The defendant operated a hotel and gave to the plaintiff a lease of a suite for a term of six months. Certain tennis trophies were stolen from the plaintiff's rooms. *Held*, that the extraordinary liability of an innkeeper did not attach to this relation. *Hackett* v. *Bell Operating Co.*, 169 N. Y. Supp. 114.

It has long been well settled that the innkeeper is liable to the guest for baggage stolen, without regard to negligence. *Carr's Case*, 1 Roll. Abr. 3;